

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

v.

**DECISION AND ORDER**

6:20-CR-06046 EAW

EVELYN BANCHS,

Defendant.

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Defendant Evelyn Banchs (“Defendant”) stands accused by way of a Superseding Indictment returned on March 25, 2021, with one count of conspiracy to commit money laundering in violation of 18 U.S.C. § 1956(h). (Dkt. 119). This Court referred all pretrial matters in the case to United States Magistrate Judge Mark W. Pedersen pursuant to 28 U.S.C. §§ 636(b)(1)(A)-(B). (Dkt. 190).

On November 8, 2021, Magistrate Judge Pedersen issued a thorough Report and Recommendation recommending that this Court deny Defendant’s pretrial motions (Dkt. 172) to suppress evidence and for a hearing, and to dismiss the indictment based on insufficiency, selective prosecution, and vindictive prosecution. (*See* Dkt. 192). Pursuant to Fed. R. Crim. P. 59(b)(2) and 28 U.S.C. § 636(b)(1)(C), the parties had 14 days after being served a copy of the Report and Recommendation to file objections. Neither party has filed objections.

The Court is not required to review *de novo* those portions of a report and recommendation to which objections were not filed. Fed. R. Crim. P. 59(b)(2) (“Failure to

object in accordance with this rule waives a party's right to review."); *see Molefe v. KLM Royal Dutch Airlines*, 602 F. Supp. 2d 485, 487 (S.D.N.Y. 2009) (to trigger the *de novo* review standard, objections to a report "must be specific and clearly aimed at particular findings in the magistrate judge's proposal").

Notwithstanding the lack of objections, the Court has conducted a careful review of the Report and Recommendation as well as the filings previously made in the case, and finds no reason to reject or modify the Report and Recommendation of Magistrate Judge Pedersen. Therefore, the Court accepts and adopts the Report and Recommendation in its entirety. (Dkt. 192). For the reasons set forth in the Report and Recommendation, this Court denies Defendant's motion to dismiss the indictment and motion for a hearing and to suppress evidence. (Dkt. 172).

SO ORDERED.



ELIZABETH A. WOLFORD  
Chief Judge  
United States District Court

Dated: December 1, 2021  
Rochester, New York